

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

No. CR 09-149 MMC

Plaintiff,

v.

MICHAEL CHEN,

Defendant.

**ORDER GRANTING DEFENDANT'S
REQUEST TO CONTINUE DATE FOR
JUDGMENT AND SENTENCING;
DENYING DEFENDANT'S REQUEST TO
BE RELEASED FORTHWITH FROM
CUSTODY**

Before the Court is defendant's "Emergency Request for an Order Continuing the Sentencing Hearing; Extending the Deadline to File a Reply Brief; and Request That the Defendant Be Released from Jail," filed November 19, 2012. Having read and considered the request, the Court rules as follows.

1. With respect to defendant's request for a continuance of the sentencing hearing in order to afford him a further opportunity to file supplemental briefing, the request for a continuance is hereby GRANTED, and a new sentencing date as well as any dates for further briefing will be set at the next calling of the case on November 28, 2012.

2. With respect to defendant's request that he be released forthwith from custody pending sentencing, the request is hereby DENIED, without prejudice to defendant's again moving for his release from custody at the next calling of the case.

IT IS SO ORDERED.

Dated: November 20, 2012


MAXINE M. CHESNEY
United States District Judge